



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.
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March 2, 2009

To: Senator Eric Coleman, Co-Chairman
Representative Brendan Sharkey, Co-Chairman
Members of the Planning & Development Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: Raised Bill 6588, AAC Training for Local Land Use Commissioners

The HBA of Connecticut is a professional trade association with almost one thousand, three hundred (1,300) member firms statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to this diverse industry. We also created and administer the Connecticut Developers Council, a professional forum for the land development industry in the state.

The HBA of Connecticut supports section 1 (a) and (b) of RB 6588; we do not support subsection (c).

We have long stated that much more training of local land use commissioners is sorely needed. Many do not understand the laws they are charged with implementing. Many do not know or have even read their own regulations. Many have no experience or understanding of basic development, planning or engineering concepts. Some cannot even read a simple topographic profile on a development plan. Many wetland commissioners do not know the basics of wetland science. And, many do not understand their statutory, common law and Constitutional limits on the power they exercise over citizens and property owners. In a famous opinion in a land use property rights case in the U.S. Supreme Court, Justice William Brennan remarked, "If a policeman must know the Constitution, then so should a planner." Almost thirty years later, today, we still wonder why these wise words have not been achieved.

A coordinated and comprehensive approach to training is desperately needed and sections 1 (a) and (b) of Raised Bill 6588 go a long way to begin to accomplish that goal.

Subsection (c), however, is perplexing. If the intent is to make training levels achieved by local land use commissioners a jurisdictional issue, that would present a huge problem for all parties involved, from applicants, intervenors and the commissions. If this requirement on the courts is not jurisdictional, then it should be expressly stated it is not. It should also state why the court should consider the training and expertise of commissioners. If training is lacking, does that change the "substantial evidence" rule used in these administrative "record" appeals? Is the commission's decision to be given more or less weight depending on the level of training it has undertaken? **This provision is fraught with unintended consequences and we urge its deletion from the bill. It is not necessary to effectuate section 1(a) and (b).**

Thank you for the opportunity to comment on this important legislation.

Representing the Home Building, Remodeling and Land Development Industries In Connecticut
"Enhancing Our Member's Value to Their Customers and Our Industry's Value to Society"